THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.18780 of 2005

Dated 08-12-2005

Between:

The National Cooperative Consumers Federation of India Limited, Hyderabad.

..... PETITIONER

AND

The Sri Kalahastiswara Swamy Temple, Srikalahasti,

and another.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.18780 of 2005

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in cancelling the contract awarded in favour of the petitioner for supply of provisions as illegal and void, and consequently to set aside the tender notification dated 18-08-2005 published by the first respondent inviting tenders for supply of provisions.

It is stated that the petitioner was the successful bidder and consequently, the second respondent by proceedings dated 24-03-2005, granted the contract for supply of provisions for the period from 01-02-2005 to 31-01-2006 in its favour. While the period of contract is still subsisting, the first respondent issued a fresh tender notification dated 18-08-2005 inviting tenders for supply of provisions. Aggrieved by the said action, this writ petition is filed contending that the action of the respondents in cancelling the earlier order dated 24-03-2005 without issuing any notice to the petitioner is violative of principles of natural justice. It is to be noted that even according to the petitioner it is entitled to supply provisions up to 31-01-2006. By virtue of the interim order dated 24-08-2005 granted by this Court in W.P.M.P.No.23884 of 2005 suspending the tender notification dated 18-08-2005, the respondents could not proceed with the impugned tender notification. Consequently it is not in dispute that the petitioner has been supplying the provisions throughout without any interruption and the period of contract has almost come to an end.

In the circumstances, without expressing any opinion as to the rival contentions raised by the parties, I deem it appropriate to dispose of the writ petition granting liberty to the respondents to issue fresh tender notification for award of contract for the period from 01-02-2006 onwards and to proceed further in accordance with law. It is made clear that the petitioner shall not be disturbed till 31-01-2006.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

Date:08-12-2005

Note: Furnish CC in three days.

B/o

ghn